

SECTIONS.

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SCHEDULE A.

SCHEDULE B.

BOMBAY ACT No. VI OF 1867.

(The assent of the Governor General of India to this Act was first published by the Governor of Bombay on the 28th December, 1867.)

An Act for the better sanitary regulation of the city of Bombay.

WHEREAS it is expedient to take measures to check the spread of infectious diseases dangerous to life in the city of Bombay, and especially with reference to vessels arriving at, or being within the limits of, the port of Bombay; It is enacted as follows :—

1. It shall be lawful for Government, with a view of providing for the segregation of persons suffering from any infectious disease dangerous to life, from time to time to establish, by notification, for the purposes hereinafter specified, one or more places to serve as sanatoria for the city of Bombay, and to notify the local limits of such sanatoria.

Preamble.

Establishment of sanatoria.

And it shall be lawful for Government, acting under the general control of the Government of India, to appoint a superintendent of each sanitarium, with such establishment as may be necessary.

Appointment of establishment.

2. It shall be lawful for Government to appoint a Health Officer of the port for the purposes of this Act, and the Health Officer of the port shall be an assistant to, and subject to the general control of, the consulting officer of health.

Appointment of Health Officer of Port.

3. When it shall appear to the consulting officer of health, or in his absence to the Health Officer of the port, that any person in the city of Bombay, being in the public streets or thoroughfares, or in a place of public resort, such as dharmshalas, temple-enclosures and the like, and without proper

Removal of persons suffering from infectious disease to sanitarium.

lodging or accommodation, or being on board any vessel and without proper lodging or accommodation on shore, is suffering from an infectious disease dangerous to life; and that it is necessary for the safety of the public that he should be removed to a sanitarium,

either of the said officers of health may require such person to proceed to a sanitarium, and the person so required shall be bound to proceed or allow himself to be conveyed to that sanitarium, and shall be bound to remain there till one of the said officers of health certifies that he may go at large without danger to the public.

Penalty.

Any such person refusing or voluntarily neglecting to obey such requisition shall be liable to the penalties provided in section 269 of the Indian Penal Code [a].

XLV of 1860.

Removal by written order of person refusing to proceed to sanitarium.

4. If any such person shall refuse or voluntarily neglect to proceed to the sanitarium when duly required in the manner described in the last preceding section, the consulting officer of health, or in his absence the Health Officer of the port, may, by a written order in the form given in [b] Schedule A [b], direct that such person be conveyed to a sanitarium, and such written order, signed by one of the said officers of health, shall be sufficient warrant for the conveyance of such person to the sanitarium.

Magistrate, on certificate of medical officer, to make requisition as in section 3.

5. It shall be lawful for any Magistrate of Police, on the certificate of a covenanted medical officer of Government, or of any member or licentiate of any college of physicians or surgeons of the United Kingdom or of India, as to the nature of the disease, and on such evidence as may be thought by him sufficient in regard to the other conditions recited in section 3 [c], to make requisition as in the said section, and any person refusing or voluntarily neglecting to obey such requisition shall be liable to the penalties provided in section 269 of the Indian Penal Code [a].

Penalty.

Master of vessel to give notice of person suffering on board from infectious disease.

6. When the master or commander of any vessel, being within the limits of the port of Bombay, shall become aware that any person on board his vessel is suffering from any infectious disease dangerous to life, he shall immediately give notice to the Health Officer of the port, and, pending the orders of the Health Officer of the port, he shall either remove such person to a sanitarium, or take other suitable precautions to prevent the spread of the disease.

[a] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

[b, b] This reference was substituted for the original words by Act XVI of 1895.

[c] Words repealed by Bom. Act III of 1886 are omitted.

(Secs. 7-9.)

If the master or commander shall wilfully neglect to act as directed in this section, he shall be liable to the penalties provided in section 269 of the Indian Penal Code [a].

XLV of 1860.

Penalty.

7. It shall be lawful for the consulting officer of health or for the Health Officer of the port at any time to enter into and inspect any vessel being within the limits of the port of Bombay, and to question the master or commander regarding the sanitary condition of the vessel and of the persons on board, and the master or commander shall be bound truthfully to answer such questions.

Power to Health Officer to enter vessel and question master or commander.

And, if the master or commander shall wilfully give false information to either of the said officers, he shall be liable to the penalties provided in section 177 of the Indian Penal Code [a]; and, if he shall refuse to answer questions put to him, he shall be liable to the penalties provided in section 179 of the Indian Penal Code [a].

Penalty.

8. If it shall appear to the consulting officer of health or the Health Officer of the port that any person on board a vessel within the limits of the port of Bombay is suffering from any infectious disease dangerous to life, he may, [b] by an order in writing in the form given in Schedule B[b], require the master or commander of the vessel to remove such person, or any other person who shows premonitory symptoms of such disease, to a sanitarium or other place on shore where, in the opinion of the Health Officer, proper lodging and accommodation are available; and the master or commander shall be bound to obey such requisition and is hereby authorized and empowered to enforce such removal.

Master or commander may be required to remove person suffering from infectious disease.

And, if the master or commander shall refuse or wilfully neglect to obey such requisition, he shall be liable to the penalties provided in section 269 of the Indian Penal Code [a].

Penalty.

9. When it shall appear to the Health Officer of the port that, owing to a person suffering from an infectious disease dangerous to life being on board or having recently been on board any vessel within the limits of the port of Bombay, it is expedient that measures should be taken for the disinfection of such vessel, the said Health Officer may, by an order in writing to the master or commander of such vessel, direct all or any part of the vessel to be forthwith fumigated or otherwise cleansed for sanitary purposes, in accordance with rules published on that behalf by Government under section 11 [c];

Disinfection of vessels,

and if the master or commander neglect to do so within the period fixed

and recovery of expenses and penalties.

[a] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

[b.b] These words were inserted by Act XVI of 1895.

[c] Words repealed by Bom. Act III of 1886 are omitted.

in the said order, provided such period be not less than twenty-four hours from the time when such order shall have been served upon him, the said Health Officer may cause the same to be done, and the expenses incurred shall be paid by the owner or the master on demand, and, if not so paid, shall be recovered in the manner provided in section 55 of the Indian Ports Act, 1889 [a], for the recovery of penalties imposed under that Act.

Detention by
superintend-
ent of person
brought into
sanitarium
until dis-
charged.

10. It shall be lawful for the superintendent of the sanitarium, and it shall be his duty, to detain in the sanitarium under his charge all persons who shall come or be brought to such sanitarium under sections 3, 4, 6 or 8, until they shall be discharged under a certificate to be granted under rules made by Government under section 11 [b].

Power to Gov-
ernment to
make and
publish rules.

11. It shall be lawful for Government from time to time to make and publish general rules for the proper management and discipline of sanitarium established under this Act, and for the disinfection or destruction of the personal property of persons suffering or who have recently suffered from any infectious disease dangerous to life, and for the disinfection and cleansing of vessels on board of which such persons are or recently have been, and from time to time to alter or repeal such rules.

Penalty.

Any person who shall disobey such rules or any of them shall be liable to the penalties provided in section 271 of the Indian Penal Code [c].

XLV of 1860.

Power to
determine
what diseases
are infectious.

12. It shall be lawful for Government from time to time to determine by notification what diseases shall, for the purposes of this Act, be held to be infectious diseases dangerous to life.

Power to
authorize per-
son to exercise
powers of
Health
Officer.

13. It shall be lawful for Government, when necessary, to authorize any one or more persons to exercise all or any of the powers conferred by this Act on the consulting officer of health or on the Health Officer of the port: provided that every such person shall be a covenanted medical officer of Government, or a member or licentiate of any college of physicians or surgeons of the United Kingdom or of India, and shall exercise these powers subject to the general control of the consulting officer of health.

Power to
make special
orders in
special cases.

14. Whenever it shall appear to Government that, owing to the expected introduction of any infectious disease dangerous to life, or owing to other exceptional circumstances, the ordinary precautions authorized by this Act are insufficient to prevent the spread of such disease, it shall be lawful for Government, by notification, to make such orders, and from time to time to vary the

[a] The reference to s. 55 of Act XXII of 1855 is altered in accordance with Act X of 1889, s. 2. (For Act X of 1889 see the revised edition, as modified up to 1st June, 1894, published by the Legislative Department.)

[b] Words repealed by Bom. Act III of 1886 are omitted.

[c] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

(Schedules.)

same, as it shall deem expedient, for the enforcement of sanitary measures with respect to any vessel arriving at, or being within the limits of, the port of Bombay, or in regard to any persons on board any such vessel, or their personal property.

And any person disobeying such orders or any of them shall liable to the Penalty. penalties provided in section 271 of the Indian Penal Code^[a].

15. [Interpretation.] Repealed by Bom. Act III of 1886.

SCHEDULE A.

To

WHEREAS *A.B.*, being a person without proper lodging or accommodation in the city of Bombay, is suffering from an infectious disease dangerous to life, and it is necessary for the safety of the public that he should be removed to a sanitarium; and whereas, having been required to proceed to such sanitarium, he has neglected to do so; you are hereby authorized, with such assistance as you may require, to convey him, under section 4 of Act VI of 1867, to _____, and this shall be your warrant for so conveying him.

Consulting Officer of Health, or Health Officer of the Port.

SCHEDULE B.

To

The Master or Commander of Vessel _____

(Name.)

WHEREAS *A. B.*, at present on board the vessel _____ within the limits of the port of Bombay, is suffering from an infectious disease dangerous to life [or shows premonitory symptoms of a disease dangerous to life (as the case may be)], these are to require you to remove the said *A. B.* to [here designate the sanitarium or other place on shore where, in the opinion of the consulting officer of health or Health Officer of the port, proper lodging and

[^a] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

accommodation are available], and, for enforcing the said removal, this shall be your sufficient warrant.

Consulting Officer of Health, or Health Officer of the Port.

THE BOMBAY DISTRICT POLICE ACT, 1867.

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FORM.